

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARGARITA VILLAGRAN,	§	
	§	
Plaintiff,	§	
VS.	§	
	§	
FREEWAY FORD, LTD.,	§	CIVIL ACTION NO. H-05-2687
STEPHEN E. PRATHER, INC.,	§	
and	§	
6445 SOUTHWEST FREEWAY, LTD.,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's motion for reconsideration of the Court's Order of January 18, 2006. Plaintiff contends that the Court erred in finding that no private cause of action currently exists for violations of the "clear and conspicuous" requirement of 15 U.S.C. § 1681m. As explained in the January Order, however, every district court to rule on this issue has found that Congress abolished that private cause of action by enacting § 1681m(h)(8). See *Hernandez v. Citifinancial Servs., Inc.*, No. 05 C 2263, 2005 WL 3430858, at *2-*6 (N.D. Ill. Dec. 9, 2005) (collecting cases). Plaintiff's motion, Docket No. 18, is therefore **DENIED**. The Court will, however, entertain the new claims asserted in Plaintiff's Amended Complaint. Accordingly, a scheduling and status conference is hereby **SET** for the 18th day of April, 2006, at 2:30 p.m.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 11th day of April, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**